

**TOWN OF PARKER COUNCIL
MINUTES
MAY 6, 2019**

Mayor Pro Tem John Diak called the meeting to order at 6:16 P.M. Mayor Mike Waid was absent.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were five (5) items. Under C.R.S. § 24-6-402(4)(e) there was one item which was a proposed Intergovernmental Agreement with Douglas County concerning Dransfeldt Road Extension; under C.R.S. 24-6-402(4)(b) there were four (4) items, the first was to receive legal advice on specific legal questions concerning Colorado Revised Statute 18-12-106 (1)(d) Prohibited Use of Weapons and Colorado Revised Statute 42-4-1301 (1)(a)(b) Driving Under the Influence - Driving While Impaired, the second was to receive legal advice on specific legal questions concerning Chapter 4.07 of the Parker Municipal Code concerning excise tax, the third was to receive legal advice on specific legal questions concerning Parker Automotive Plaza PD Guide and Plan concerning real property commonly known as the Eisenberg Property and the fourth was to receive legal advice on specific legal questions concerning listing agreement for Town properties between NavPoint Real Estate Group and the Town (My Mainstreet).

EXECUTIVE SESSION

Renee Williams moved and Joshua Rivero seconded to go into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Cheryl Poage seconded to come out of Executive Session at 7:10 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Diak reconvened the meeting at 7:18 P.M.

Boy Scouts in the audience led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS – None

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston of the Parker Chamber provided updates on the Chamber's activities.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelley Mango provided an update on activities in the downtown area.

PUBLIC COMMENTS

- * Steve Trevino invited Town Council and the public to the 10th Annual Memorial Day Veterans' Service Remembrance at J.S. Parker Cemetery, May 27 at 10:00 A.M.
- * Dave Usechek, 12713 Buckhorn Creek, commented on the Master Plan, Pine Drive and the PACE Center.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers reported on meetings they each attended since the last Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - April 15, 2019*
- B. *ORDINANCE NO. 3.342 - First Reading*
A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies
Department: Community Development, Bryce Matthews
Second Reading: May 20, 2019
- C. *ORDINANCE NO. 1.532 - First Reading*
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District at the Stroh Soccer Park
Department: Engineering and Public Works, Chris Hudson
Second Reading: May 20, 2019
- D. *ORDINANCE NO. 8.28.8 - First Reading*
A Bill for an Ordinance to Amend Section 4.03.030 of the Parker Municipal Code Concerning Sales and Use Tax
Department: Finance, Mary Lou Brown
Town Attorney, Kristin Schledorn
Second Reading: May 20, 2019
- E. *RESOLUTION NO. 19-024*
A Resolution to Amend Resolution No. 18-054, Series of 2018, Concerning the Town of Parker Policy Manual
Department: Town Attorney, Kristin Schledorn
- F. *PROCLAMATION - National Public Works Week 2019 - May 19 - 25*
Department: Town Council
- G. *PROCLAMATION - Building Department -- May 2019*
Department: Town Council
- H. *PROCLAMATION - Municipal Clerk Week - May 5 - 11*
Department: Town Council

I. CONTRACTS OVER \$100,000

1. Professional Services Agreement for H2O'Brien Renovation Project

Amount: \$242,920.00
Contractor: Barker Rinker Seacat Architecture
Department: Engineering/Public Works, Bob Exstrom

2. Agreement for the Purchase, Delivery, Use and Support of Products and Services for Body Worn, Fleet Vehicle, and Interview Room Camera Systems

Amount: \$923,974.44
Contractor: Axon Enterprises, Inc.
Department: Police, Ron Combs

Joshua Rivero moved and Jeff Toborg seconded to add the Proclamation for National Police Week 2019 as Item 7J.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to approve Consent Agenda Items 7A through 7J.

The motion was approved unanimously.

PUBLIC HEARINGS

A. PARKER PLAZA SHOPPING CENTER - Rezoning

Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z18-014

ORDINANCE NO. 3.341 - Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Plaza Property from C-Commercial District to Parker Plaza Shopping Center Planned Development Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

7:50 P.M.

The applicant submitted a rezoning application to amend the zoning of the subject property from C-Commercial to Planned Development (PD). The intent of this rezoning application is to permit assembly uses with a maximum floor area of 10,000 square feet on the lower level of the building facing west only, while continuing to allow retail and service uses across the site as listed in the proposed Parker Plaza Shopping Center PD zoning. The assembly uses that would be permitted include day care and recreational facilities, membership and health clubs,

instructional services/studios and places of worship. Assembly uses are currently restricted to 3,500 square feet for properties zoned C-Commercial.

After review of the rezoning application, staff finds that the lower level of the shopping center is an appropriate location for assembly uses because of the above-referenced factors. The lower level is Class B or C commercial space and the proposal to allow assembly uses with a floor area up to 10,000 square feet is an appropriate response to this problem that will permit commercial activity appropriate for marginal locations. It will also help to meet the need for space to accommodate assembly uses in Town because such space is limited.

The applicant advised that the center is 15% vacant.

Public Comment - None

The Public Hearing was closed at 8:00 P.M.

Renee Williams moved to approve Ordinance No. 3.341 on second reading

Debbie Lewis seconded the motion.

The motion was approved unanimously.

B. SUNMARKE Planned Development - Rezoning

Applicant: Jerry Richmond III, RainTree Investment Corporation
Department: Community Development, Paul Workman
TRAKiT No.: Z18-018

8:01 P.M.

The applicant submitted a rezoning application to amend certain bulk standards in the SunMarke Planned Development (PD) zoning including setbacks, building height and lot size. The purpose of the proposed rezoning is to address outdated zoning standards and accommodate future residential development that reflects the current housing market.

The applicant also proposed a Sketch Plan and Preliminary Plan to subdivide the SunMarke property into 209 lots for detached and attached single-family lots as well as tracts for open space, parks and private access drives. The proposed residential density is 3.48 dwelling units per acre which is substantially less than the 5.7 dwelling units per acre permitted by the approved SunMarke PD zoning.

Applicant

Brock Chapman, Raintree Investment Corporation, Centennial CO 80112, stated that this property was planned many years ago and currently they are proposing fewer lots for Filing 1.

Public Comment

Dave Usechek, 12713 Buckhorn Creek, advised that he does not oppose this project, but is concerned about the traffic study being completed sooner rather than later as signals are needed now.

The Public Hearing was closed at 8:30 P.M.

1. ORDINANCE NO. 3.209.4 - Second Reading

A Bill for an Ordinance to Amend the Sunmarke PD Development Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Renee Williams moved to approve Ordinance No. 3.209.4 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. Sketch Plan and Preliminary Plan

Renee Williams moved to approve, based on staff findings the Sketch and Preliminary Plans subject to the conditions in staff's report.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. HESS RANCH

8:34 P.M.

The Hess Ranch property is a 1,536 acre tract that is one of the last major development sites remaining in Parker. The developer, Front Range Communities (FRC) L.L.C., has indicated that they wish to begin the development of the site in 2019 on a phased basis.

FRC proposes to initiate the phased development process by a subdivision plat of Hess Ranch into two (2) segments. To do so, they have requested a partial waiver of certain subdivision regulations in the Land Development Ordinance (LDO) pursuant to Section 13.01.100 (Partial Waiver). The Partial Waiver would require the developer to satisfy all LDO requirements but provide a deferral of certain subdivision regulations for: (2) the initial plat to create two segments, and (2) future phases beyond Segment 1.

Public Comment - None

1. RESOLUTION NO. 19-028

A Resolution to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance with Certain Requirements of Sections 13.07.060 and 13.07.070 of the Parker Land Development Ordinance Associated with the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Hess Ranch Property Until Those Segments are Ready for Development

**Department: Community Development, John Fussa
Engineering/Public Works, Tom Williams**

Renee Williams moved to approve Resolution No. 19-028.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. Lemon Gulch Contribution Agreement

The Town and Urban Drainage and Flood Control District have determined that it is in the best interest of both entities to require the developer to provide funding for the design and construction of improvements to the two major drainageways located on the Hess Ranch property (Lemon Gulch and Lemon Gulch Tributary) in lieu of designing and constructing the improvements as a part of the development. The Town and Urban Drainage and Flood Control District believe that this arrangement will allow the improvements to be designed and constructed by consultants and contractors that are experts in their field and familiar with the requirements of each entity. This will result in infrastructure that will be sustainable for the Town and District.

This agreement will allow the Town to accept the funds and put forward an intergovernmental agreement with the District to transfer the funds to the District. The District will manage the design and construction of the improvements and provide long-term maintenance assistance.

Joshua Rivero moved to approve the Lemon Gulch Contribution Agreement.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 19-025

A Resolution to Approve the Model Single District and Multiple District Service Plans and Model Intergovernmental Agreement Form

Department: Town Attorney, Kristin Schledorn

8:51 P.M.

This resolution approves the Town's Model Single District and Multiple District Service Plans and Model Intergovernmental Agreement forms in accordance with Chapter 10.11 of the Parker Municipal Code.

The Town's model service plans and intergovernmental agreement have been revised to reflect updates to the Town Council policies concerning metropolitan districts, as discussed with Town Council most recently at the April 8, 2019 Study Session. These include an adjustment to the

maximum debt mill levy, and authorization for the imposition of an infrastructure capital mill levy, a town-dedicated capital and maintenance mill levy, and an operations and maintenance mill levy, which varies based on size of the project. Overall, the proposal would result in the allowable imposition of between 72 and 77 mills, subject to further adjustment in accordance with the Gallagher amendment from 2019 forward.

The proposed policy includes 5 mills which would be remitted to the Town and used for capital projects and maintenance of the public infrastructure associated with the Districts. The annual revenue generated from a \$475,000 home would be approximately \$171/year.

Public Comments - None

The Public Hearing was closed at 8:55 P.M.

Renee Williams moved to approve Resolution No. 19-025.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. PUBLIC CONSUMPTION OF ALCOHOL IN PARKS

Department: Town Attorney, Kristin Schledorn

These ordinances amend Sections 8.08.010, Possession of alcohol in public places and 12.02.200, Alcohol, to allow the possession and consumption of alcoholic beverages on parcels that will be designated by a separate Town Council resolution. The resolution designates Discovery Park, subject to specified conditions, including limited hours (4 p.m. to closing) and no glass containers. This designation will take effect on Monday, May 27, 2019, and will expire on May 26, 2020, if Town Council does not take further action to extend the designation prior to that date.

Public Comment

Joshua Rivero read a letter from Steve Curtis asking that Council amend the resolution to include alcohol only during very specific events within Discovery Park, i.e., concerts in the Park would be an appropriate event.

Dennis Houston of Parker Chamber of Commerce asked that the resolution be amended for specific events only at the park.

1. ORDINANCE NO. 5.28.24 - Second Reading

A Bill for an Ordinance to Amend Section 8.08.010 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker

Renee Williams moved to approve Ordinance No. 5.28.24 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 12.03.5 - Second Reading

A Bill for an Ordinance to Amend Section 12.02.200 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker

Renee Williams moved to approve Ordinance No. 12.03.5 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

3. RESOLUTION NO. 19-026

A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions

There was a discussion by Council concerning the time and event(s) alcohol can be consumed by the public.

Renee Williams moved to approve Resolution No. 19-026.

The motion died for lack of a second.

Joshua Rivero moved to continue Resolution No. 19-026 to May 20, 2019 and hold a discussion at Study Session on May 13, 2019.

Jeff Toborg seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 1.530-B - Third Reading**A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election to Amend the Town of Parker Home Rule Charter**

Department: Town Attorney, Kristin Schledorn

This ordinance submits Ballot Question 8, to amend Section 2.7 of the Town of Parker Home Rule Charter, concerning Mayor and Town Councilmember's Terms of Office, for the November 5, 2019 special election.

Following a study session on April 22, 2019, Ballot Question 8 has been revised to provide that persons serving as Mayor or Town Councilmember may serve no more than four (4) four-year terms of office, in his or her lifetime, whether as Mayor or Town Council member.

It also provides that any Town Councilmember or Mayor who is appointed or elected to fill a vacancy with more than half the term remaining shall be considered to have served one complete four-year term.

If passed, this lifetime term limit will apply retroactively to any current or former Town Councilmember or Mayor, except that any person who is holding office on November 5, 2019, may serve the remainder of his or her term if he or she has served in excess of the lifetime term limits.

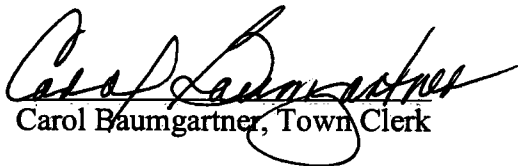
Public Comment - None

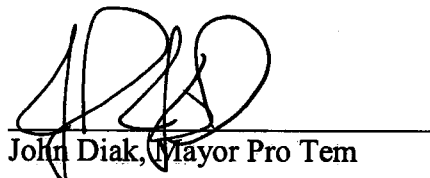
Joshua Rivero moved to approve Ordinance No. 1.530-B on third reading.

Renee Williams seconded the motion.

The motion was approved 5-1. (Poage voted no.)

The meeting was adjourned at 9:22 PM.


Carol Baumgartner, Town Clerk


John Diak, Mayor Pro Tem